



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/703,465

10/31/2000

Jeffry Jovan Philyaw

PHLY-25.364

2243

25883

7590

05/10/2004

HOWISON & ARNOTT, L.L.P

P.O. BOX 741715

DALLAS, TX 75374-1715

EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,465

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

Kamran Afshar, 703-305-7373

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18-21 and 27-36 is/are rejected.
- 7) ☒ Claim(s) 14-17, 22-26 and 37-42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2681

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 13, 18-21, 27-36 are rejected under 35 U.S.C. 102(e) as being anticipated by DeMont (U.S. Patent 6,351,640 B1).

With respect to claim 1, DeMont discloses a system for connecting a wireless device to a remote location on a computer network, the wireless device including a processor and a transmitter/receiver for sending and receiving radio frequency signals to provide two-way digital communication between the processor and the computer network (See e.g. 104s, 102s, 112s, 118, 106 of Fig. 1, Abstract, Co. 1 Line 54 – Co. 2, Line 5), the system comprising: a beacon unit disposed at a location (See Co. 6, Lines 18-35) and including a transmitter for transmitting a beacon signal into a target region adjacent to the location (102a of Fig. 2, Co. 3, Line 55 – Co. 4, Line 13); and / or a memory operably connected to transmitter (See 204, 206, 208 of Fig. 2a, the memory containing a first code which is transmitted by the transmitter as a component of the beacon signal (See e.g. Co. 4, Lines 13-55); a beacon signal receiver circuit disposed with the wireless device and adapted to receive the beacon signal when the wireless device is within the target region (See 104a, 202, 204, the beacon signal receiver circuit being operably connected to the processor of the wireless device; whereby, in response to receiving the beacon signal, the beacon signal receiver circuit sends control signals to the processor of the wireless device (See Co.5, Lines 23-42); and whereby, in response to the processor receiving the control signals, the wireless device is connected to a specific remote location (i.e. the communication terminal associated with the identifying

Art Unit: 2681

address) on the computer network (See e. g. via telecommunications system 100, 107 of Fig. 1, Co. 3, Lines 13-25).

Regarding claim 2, DeMont discloses the beacon signal is inherently a radio frequency (RF) signal (See Co. 10, Lines 23-29).

Regarding claim 3, DeMont discloses the frequency of the beacon signal is different from the frequency (i.e. 28 GHz) used by the transmitter/receiver of the wireless device to communicate with the network (See Co. 10, Lines 23-29).

Regarding claim 4, DeMont discloses the modulation of the RF signal of the beacon signal carries digital information (See e.g. Co. 1, Lines 40-53).

Regarding claim 5, DeMont discloses the modulation of the RF signal of the beacon signal carries analog information (See e.g. Co. 1, Lines 40-53).

Regarding claim 13, DeMont discloses a first code associated with the beacon unit is transmitted from the beacon unit as a component of the beacon signal (See e.g. Co. 4, Lines 13-55).

Regarding claim 19, DeMont discloses the first code is associated with the specific remote location on the network (See e.g. an internet address, identifying address, 107, 114, 116 of Fig. 1, Abstract, Co. 1, Lines 40-53).

Regarding claim 20, DeMont discloses the first code includes routing information associated with the specific remote location on the network (See e.g. an internet address, identifying address, 107, 114, 116 of Fig. 1, Abstract, Co. 1, Lines 40-53).

Regarding claim 21, DeMont discloses the first code does not include routing information associated with the specific remote location on the network (See e.g. the telephone number of a terminal 114, 116 of Fig. 1, Abstract, Co. 2, Lines 16-26).

Regarding claim 27, DeMont discloses the first code is associated with the location of the beacon unit (See 4, Lines 15-44, e.g. information Broadcasted by a Beacon of Table 1).

Regarding claim 28, DeMont discloses the first code is associated with a serial number of the beacon unit (See 4, Lines 15-44, e.g. information Broadcasted by a Beacon of Table 1).

Art Unit: 2681

Regarding claim 29, DeMont discloses the first code is associated with a type descriptor characterizing the type of beacon unit (See 4, Lines 15-44, e.g. information Broadcasted by a Beacon of Table 1).

Regarding claim 30, DeMont discloses the beacon unit further comprises an input/output (I/O) circuit, the I/O circuit (See e.g. 206 Of Fig. 2B, Co. 4, Lines 14-17, 206a of Fig. 10) being operably connected to the memory (206 of Fig. 2A) and adapted to receive instruction signals from an instruction source, whereby, in response to receipt of the instruction signals, the codes in the memory may be changed (See Co. 4, Lines Co. 4, Line 58 – Co. 5, Line 2).

Regarding claim 31, DeMont discloses the instruction source is a keypad (See e.g. 502 of Fig. 10).

Regarding claim 32, DeMont discloses the instruction source is a public switched telephone network (PSTN) (See e.g. 106 of Fig. 1).

Regarding claim 33, DeMont discloses the instruction source is an RF receiver (See e.g. 410, 414 of Fig. 9).

Regarding claim 34, DeMont discloses the instruction source is an optical receiver (See i.e. light emitted diode, Co. 4, Line 15-16, 512 of Fig. 10, Co. 8, Lines 12-17).

Regarding claim 35, DeMont discloses the instruction source is an acoustic receiver (See Co. 8, Lines 37-47).

Regarding claim 36, DeMont discloses the beacon signal receiver circuit, in response to receiving the beacon signal containing the first code, sends control signals indicative of the first code to the processor of the wireless device (See 4, Lines 13-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2681

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMont (U.S. Patent 6,351,640 B1) in view of Kuribayashi (U.S. Patent 6,085,146) further in view of Cuadros (U.S. Patent 5,372,334).

Regarding claims 6-9, DeMont disclosed everything as discussed above in claim 1. However, DeMont does not explicitly teach the beacon signal is an optical signal and comprises light within the visible light, the infrared (IR) and / or ultraviolet (UV) portion of the electromagnetic spectrum. In the same field of endeavor, Kuribayashi discloses a beacon receiving unit is provided in a mobile apparatus; the beacon receiving unit receives the infrared ray signal from the optical beacon or the electric wave from the electric wave beacon on the road, and then the information obtained by demodulating the received signal is supplied to the controller from the beacon receiving unit (See Co. 6, Lines 29-36). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Kuribayashi to DeMont to provide an electromagnetic transceiver 106 may be equipped to operate in virtually any area of the electromagnetic spectrum, from very low frequency (VLF) up through the ultraviolet region; and the frequency range including infrared, visible, and ultraviolet light (that is, optical wavelengths) provides a system having the advantage of small size as suggested by Cuadros (See Co. 10, line 64 – Co. 11, Line 1).

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMont (U.S. Patent 6,351,640 B1) in view of Dale (U.S. Patent 5,523,982).

Regarding claims 6-9, DeMont disclosed everything as discussed above in claim 1. However, DeMont does not explicitly teach the beacon signal is an acoustic signal, which is within the human-perceptible and / or ultrasonic frequency range. In the same field of endeavor, teaches the beacon signal is an acoustic signal, which is within the human-perceptible and / or ultrasonic frequency range (See Co. 4, Lines 21-48). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Dale to DeMont to provide means for emitting an ultra

Art Unit: 2681

acoustic emergency signal and / or a visible distress signal, such as a light beacon, may be used in conjunction with the ultra acoustic emergency signal as suggested by Dale (See Co. Co. 3, Lines 35-39).

Allowable Subject Matter

6. Claims 14-17, 22-26, 37-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 14, 40, the prior art of record fails to disclose or render obvious that the computer database including a plurality of routing information for remote locations on the computer network and a plurality of first codes and associating each of the routing information with at least one of the first codes; whereby, upon receiving a message packet transmitted from the wireless device across the network which is indicative of a particular first code contained in the beacon signal, the first computer accesses the computer database, retrieves the routing information associated with the particular first code, and transmits the routing information associated with the particular first code across the computer network back to the wireless device

Regarding claims 22, the prior art of record fails to disclose or render obvious that the memory further contains a second code, and the second code is also transmitted by the transmitter as a component of the beacon signal.

Regarding claims 37, the prior art of record fails to disclose or render obvious that the beacon signal receiver circuit further comprises a memory storing a third codes; and whereby the control signals sent from the beacon signal receiver circuit to the processor of the wireless device are indicative of the third code.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Whiteside (U.S. 5,835,861), Discloses Enhanced Automatic Operation of Wireless Telephones.
- b) Suzuki (U.S. Pub. No.: 2002/0006886 A1), Discloses Communication Inhabiting Device And Communication Inhabiting System.

Art Unit: 2681

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.



Kamran Afshar



**TEMICA M. DAVIS
PATENT EXAMINER**